p32

G R. S. 58
Previous references

1908

File No 3.4 [illegible]

(Municipal)

Serial Nos.

Later references
Rel 190-26-152

GENERAL AND REVENUE SECRETARIAT.

Serial Nos 1, 2, 5 & 7.

Part B for 1st 1908

SUBJECT

Collection of charges for excavation drawn from Canal Service Connections in the Municipality

1 From The Chief Engr No. 8893 of 23 12-07 forwarding a list of the heavy arrears remaining uncollected in the Municipality on account of excavation drawn from Canal for Connections & requesting that the necessary instructions may be issued to the Municipal Board to realise the arrears as early as possible

2. To the Board of Rev. No 8338-h of 21 2.08 [illegible] to take prompt & effective steps in the matter of realising the accounts &c, & in the meantime regarding the Chief Engr's request for the necessary powers in the matter, thereby with [illegible] be cut off if bills be not duly paid soon after presentation

5 From the Chief Engr. No. 9758 of 23.4.08. regarding a rule to be added as a note to Rule 10 of the Canal Connection [illegible]

G.R.S 11] 1907-08

GENERAL AND REVENUE SECRETARIAT

(ml)

NOTES.

File. No. 336-07.

File Heading

Collection of excess charge for excess water drawn from house service Connections in the Bangalore City

From

The Chief Engineer of Mysore

No 8893 Dated 28.12.07 Received 27.12.1907

Diary No. 64-16 | Enclos 2 | Spare Copies — | Serial No 1

Brief Abstract of Letter.

Brings to the notice of Govt the heavy arrears remain uncollected in the Bangalore City on account of excess water drawn from house service Connections and requests that necessary instructions may be issued to the Municipal Commissioner to recover the arrears and to maintain necessary accounts in that behalf, and suggests that in cases where payment in more than one quarterly instalment of arrears notice should be issued that in default of payment within 15 days the water supply will be cut off.

NOTES AND ORDERS

W

Under rule 10 of the house service Connection rules, all payments due on account of

Norse—First sheet

GPR—30,000—20-3-06

G R S. 12]
General and Revenue Secretariat

ML File No. 334 of 1907

Serial No.

excess water shall be recovered by the President of the City Municipality, upon requisition of the Water Supply Deptt, under rules for recovery of Municipal revenues". Hence, the work of collection according to bills prepared by that Deptt devolves entirely on the Municipality, and it is with reference to the Bills so prepared and sent to the President that the Dy Deptt expect correct accounts to be maintained, and the Municipality seems to be bound to do this

2 The Chief Engineer's suggestion as regards payments, which are more than one quarter in arrears may, [illegible] be adopted

3 Though there appears to be much force in the suggestion and Calling upon the President to take immediate steps, in the matter is submitted

[illegible]

Commissioner

5515
22 I 1908

18/1/08.

Note—Contd sheet.

G. R. S 12]
General and Revenue Secretariat

Mil File No. 336 of 1907

Serial No.	
	It seems to me that in this matter it is not the municipality of the Municipal Council that is responsible, but the President (Vice President) -
	Draft altered accordingly -
	Mr Method
	Submitted to the Dewan -
	8/3
	1/4.08
	1864 / 1208 Draft [illegible]
1	Issued -
2	G O. No 8333-6 dated the 21st July 1908
	Requests the President, Bangalore City Municipal Council, to take prompt and immediate effective steps in the matter of maintaining correct accounts &c, and in the meantime requesting the Chief Engineer to propose the necessary explicit provision in the rules whereby water supply may be cut off if bills be not paid fully within a week after presentation
5	Letter No 2784 dated the 23rd April

Note—Contin sheet.

Serial No.

Abstract from the Chief Engineer's

Suggests a rule for being added as a note to Rule 10 of the Revised Domestic Connection rules and states that a weeks time for payment having been considered both by the Deputy President and the Ex-Engineer to be too short a period 15 days' time may be allowed for payment after the presentation of the bills

Submitted This is a Common Matter Subject to the 1st Committee

28/11/08

28/11/08

6622/29/4/1908

The Chief Engineer's proposal may be approved with the alteration indicated here below in red ink -

"In cases where bills for excess water consumption are not fully disputed within 15 days' time after presentation of the bills, the water supply to the house connection shall be liable to be cut off - To enable Note Concession to come into force the amount payable in cash at the Water Supply

7914

C. R. S. 12]
General and Revenue Secretariat.

File No. 3814 of 190

Serial No

"With post the address of
"each person a post card
"intimating the assessment
"of a quarters bill at the
"same time as that bill
"is sent to the Municipality
"President for collection.

If this be approved the interval between the receipt of the post card intimating by the house occupier & the presentation of the bill by the Municipal Subordinates will enable the former to hold the amount in readiness for payment when the bill is presented. At present a post card intimation is generally sent to the house occupier for each metre reading.

Illegible
30 April

For circulation

Illegible 30/4/08

624/2508 I agree with the Pt. Councillor 15 days time may be allowed for payment after presentation of bills. The post card intimation will be a warning to the house occupier to be prepared to make the payment.

Illegible 1/5/08

Illegible

Note—Contn. sheet

G.P.B.—30/MC—2,240

Mk File No. 334 of 1907

Serial No.

8945/1908

Subm^d to Dewan after enrolment

Bringing the before Council & make some provision for punctual presentation of bills & with a clause added that the Consumer shall not be liable to pay unless the bills are presented within the quarter next following the quarter to which the bill applies & the loss shall be liable to be made good by the Official responsible for punctual presentation of bill. When this provision is made the Conservator's proposal of the Chief Engineer may be accepted without the provision suggested by the Councillor

24/7/1908

Subm^d to Govt. for inclusion in agenda for Executive meeting

1171—50.000—17-3-07

C. 3 3
1-5-08

7

GENERAL AND REVENUE SECRETARIAT

Council Matter

SUBJECT

Addition of a Note to Rule 10 of the Revised Rules for the regulation of House-connections from the Chamarajendra Water works, so as to provide for the house connection being cut off if the bill for excess water-consumption be not paid within a fortnight after presentation

CIRCULATED TO COUNCILLORS

By Order

Under-Secretary

1st May 1908 ~~190x~~

T Ananda Row, Esq, B A
First Councillor

Seen by the Councillor

K P Puttanna Chetty, Esq,
Second Councillor

1/5/08
2/5/08

Extract from the Proceedings of the 202nd Meeting of the Council of His Highness the Maharaja, held at Bangalore on the 30th June 1908.

II. Subject. ~~(Observe vide~~ i of Schedule).

Provision for cutting off water supply in case of non-payment of bills for excess water consumption in the Bangalore City.

O P I N I O N.

In order to ensure, on the one hand, that bills on account of excess consumption of water are presented punctually to the householders concerned, and, on the other, that the amounts due are paid promptly by the latter, the following addition may be made to Rule 10 of the revised Rules of 22nd August 1898 for the regulation of house-connections from the Kamarajendra Water Works.-

"Every bill for excess water consumption shall be presented to the householder concerned within thirty days from the close of the quarter to which it relates, failing which, such householder shall not be liable to pay the amount of the bill

"In cases where bills for excess water consumption are not fully adjusted within 15 days time after presentation of the bills as above, the water supply to the house connection shall be cut off "

It may also be laid down as a departmental order that the official responsible for, but making default i the punctual service of a bill for excess water in any case shall make good the amount which would otherwise have

have been leviable from the householder concerned.

Sd. V P Madhava Rao,
Dewan of Mysore

"Extract"

Secretary to Government

60

Submitted to His Highness.

In bringing to the notice of Government the existence of large arrears of charges on account of extra consumption of water in the Bangalore City, the Chief Engineer suggested that in cases where payment is more than one quarter in arrears, notice should be served that if payment is not made within 15 days the supply will be cut off" He was thereupon requested to submit proposals for the insertion in the rules of a clause authorising the cutting off of the supply of water

The addition proposed by the Chief Enginee has been considered in Council While it is desirable that the Water Supply Department should have power to cut off the supply to a house-holder who does not pay his bills, it is equally necessary that the house-holder should have his bills presented to him without undue delay It is well-known that the existence of large arrears of the kind in the Bangalore City is to a great extent due to the failure to present bills in reasonable time In these circumstances the Council is of opinion that while adding a rule that water supply shall be liable to be cut off if bills are not paid within 15 days after presentation, it is also necessary to lay down that if bills are not presented within 30 days after the close of the quarter, the house-holder shall not be liable to pay the charges

It is also proposed that a departmental le should be made that in case of delay in presentin

bills, the loss to Government shall be made good by the official responsible for the delay.

These proposals may be approved

5/7/1908

Record of Cases submitted for the Orders of His Highness the Maharaja

Subject

Proposed addition to the Rules for Regulation of house connections from the Chamarajendra Water Works, Bangalore City to provide for the prompt payment of bills for excess consumption of water

Order

Some action is no doubt desirable, but it seems to me that the proposed rule is liable to lead to a great many troublesome cases and disputes. I am inclined to think that the Chief Engineer's proposal is better. There might be a Departmental Order to the effect that where objection is taken by the consumer on the ground of undue delay in presentation the official concerned will be liable to show good cause for the delay, failing which he may be required to pay the amount himself. But to include such a provision in the published rules will be to invite disputes and objections.

15/7/08

Serial No

Draft orders' abbreviation of the Chief Engineer's proposal and requesting him to issue necessary Notice is submitted. A para is added in the draft about the departmental orders referred to in this Hepburns' orders 24 Mch 08 abbrevd. the order may be numbered 4/8

Draft submitted for approval

Secy) 4 8 08 KMM

The draft seems all right. But is there no period of limitation for these claims, which, Rule 10, are recoverable as arrears of municipal revenue? If there is, then of course both the Municipality and the Official concerned in the collection have to be held discharged from liability. Please look up the point. K 8/4

KMM
6/4

Resubmitted.

Under section 87 of the Municipal Regulation the tax due on any building or land is a charge on the property. Hence the period of limitation of

Serial No

a suit to recover the arrears is 12 years under Art 52 of Schedule II of the Limitation Act

MHA 5/4
8/8/08

A tax due to a municipality may be recovered either (1) by summary process in the manner laid down by sections 82, 83 and 84 of the Municipal Regulation or (2) by means of a suit as provided in section 164.

Section 82 directs that when any amount shall have become due a bill for the same shall be caused to be presented to the person liable for the payment thereof, with the last practicable delay No period of limitation however seems to be fixed by the Regulation for the recovery of claims by summary process though it is made clear that there would be no delay in taking the necessary steps.

If instead the alternat procedure of filing a suit in

Serial No

sec 16 (c) is adopted, such a suit seems to be governed by art 120 or 132 of the Limitation Act. Under sec 87, all sums due on account of any tax imposed in the form of a rate on lands or buildings or on both are a charge upon the building or land in respect of which such tax is leviable. A suit for the recovery of an amount so charged upon a building or land is governed by art 132 of the Limitation Act. Other suits seem to be governed by art 120.

In respect of the supply of water, a Municipal Council may levy a ~~water~~ water-rate or water-rates imposed in the form of a rate assessed on buildings or lands as provided in Sec 59 (VIII), or charges according to the quantity used, as ascertained by measurement, as provided in sec 71 (1). In the former case, a suit for the recovery of the amount due would seem to be governed Art 120 (c)

NOTE.—Contn. sheet.

Serial No

7444

art 132, and in the latter case, by art 120 of the Limitation Act.

The present question relates to the recovery of the price which accrues may be due under Rule 8 of the Rules made of the 22nd Aug: 1898. A suit therefor would seem to be governed by art 120.

Secy) 13 8 08 Hwell

The draft put up may be appd

(9 cr.)

7961/15.8.08

Draft approved with a slight alteration in para 2. Please note the Revenue approval also as there is a slight departure from the terms of the order. HMcG 26 Augt

Hwell No 8

Secy) 27/8

10173/27 8 08

Hwell 27/8

"I think it is best not to deviate from the phraseology adopted by the High Court in (9) V. 37 [illegible] 26 all.

[illegible]

Note—Count sheet.

G R S. 12]
General and Revenue Secretariat.

File No of 190

17

Serial No	
7949	Let draft a circular be sent up to the Chief Engineers (in terms of Mr. P's orders) he wished to be informed Ali 4 Sept
	Secretary 5-9-08 Mrs
7	G.O. No. 2419-20 dt. 7.9.1908. Abstracts of the Chief Engineer's proposals, and observe that it is at the same time necessary to issue a departmental order that where objection is taken to prepayment by the consumer on the ground of undue delay in preparing the bill the official will be liable to show good cause for which he will be required to pay the amount himself.
	Secretary 17 Nov 08

Continue sheet.

G R.S. 15]

Facing sheet for Cases included in the schedule appended to Notification No. 36 of the 8th Aug 1902

GENERAL AND REVENUE SECRETARIAT

18

Subject—Addition of a Note to Rule 10 of the Revised Rules for the regulation of House-connections from the Chamarajendra water works, so as to provide for the house-connection being cut off if the bill for excess water-consumption be not paid within a fortnight after presentation.

	Date	Initial of Officer himself or responsible Deputy
Received in the Secretariat .. .	23.4.1908.	
Submitted to Secretary .. .	...	
Submitted by Secretary to Councillor in charge	28.4.1908.	
Returned to Secretary	30.4.1908	
Circulated by Secretary for Council	1.5.1908	
Forwarded by I Councillor . .	Seen.	
Forwarded by II Councillor . .	2 5 08	
Received in Secretariat ..	— 9-v —	
Considered in Council .	-	
Submitted to the Dewan .	6 5 08.	
Submitted to His Highness .	7.7.08	
Orders passed by His Highness ..		
Final Orders issued .		
Circulated to Councillors .		
Passed on by the Councillor . .		
Returned to Secretary by Councillor .		

GPB—1,000—26 2-07

D 4414

Wl 3347 07 St 1

Mysore Public Works Department,

No. 8893/E-2

Central Office,

Dated Bangalore 23rd December 1907.

From,

W. Mc Hutchin Esquire, M.I.C.E.,

Chief Engineer of Mysore,

B A N G A L O R E.

To,

C.S.Balasundaram Iyer Esquire, B.A.,

Secretary to the Government

of His Highness the Maharaja of Mysore,

General and Revenue Departments,

B A N G A L O R E.

Sir,

Adverting to para 5 of Government Proceedings No. 4720-23/L.F. 37-99 of the 4th June 1904, directing that the realizations for the use of excess water drawn by house owners from the Chamarajendra Water Works should be credited to the P. W Department, I have the honor to forward the enclosed extract from Water Supply and Stores Division Executive Engineer's No. 617 of the 2nd instant (with its enclosure), bringing to notice the amount of arrears which remain yet to be collected under this head, and to request the favour of your issuing needful instructions to the President of the Bangalore City Municipal Council in order that he may keep a proper account of the amount charged on account of excess water drawn, recoveries made and arrears still to be recover-ed. He may also be requested to furnish a statement showing recoveries already made on this account and arrears still due reporting at the same time when they can be finally adjusted In cases where payment is more than one quarter in arrears

notice should be served that if payment is not made within 15 days the supply will be cut off.

I have the honor to be,
Sir,
Your most obedient servant,

R Brunton Dawn

Captain R
Deputy Chief Engineer of Mysore

3

Docket No 647 dated 2nd December 1907, from the Executive Engineer, Water Supply and Stores Division, to the Chief Engineer of Mysore

---

Para 5 of Government Proceedings No 4720-23/I W. 37-99 of the 4th June 1904 directing that the realizations on account of excess water used by house owners should be credited to the P W Department

---

With reference to the above, has the honor to forward a statement showing the total amounts of bills for-warded to the Bangalore Municipality from the date of start-ing the making of bills up to end of July 1907 The amount due as per statement is Rs 28,759/-

The President in his No 109 of 10- -1903 stated that a sum of Rs 3,960-4-0 had been collected and remitted to the Treasury but that he could not give details no separate accounts having been maintained in his office He further states in his No 1047/ dated - -1905 that the above amount was credited to the water supply Department No credit was effected in this office accounts as the Municipal-ty did not transfer the amount and there was no distinct order to credit such amounts to the Public Works Department

Another list has been received only lately to the amount of Rs 425-10-1 The list is incomplete as regards parties from whom the sums were realized, the same has however been credited in the accounts of this office for June 1907

This office did not concern with the collection beyond forwarding bills in accordance with the Chief Engi-neer's Nos 1872 and Camp No 38 dated - -1900 and as per Government Proceedings No 4720-23/I W

4

dated 4-6-1994 the modifications on account of excess rate. rule have to be modified to within three months and the proposals may therefore be addressed on the subject.

x x x

[redacted]

" Thanking "

[redacted]

for Chief Engineer of Tyanre.

Sec. ab
1 07

6

[2 R.S 28]

File No. 3340/1
Serial No. 2

Diary No. of letter replied to 6446

Proceedings of the Government of His Highness the Maharaja of Mysore.

☞ GENERAL AND REVENUE SECRETARIAT
(Mg.)

Dated the 17th Jan: 1908

Date of issue 21-2-08.

Signed by

READ— Letter No. 8893 dated the 23rd December 1907 from the Chief Engineer of Mysore, bringing to the notice of Govt the heavy arrears remaining uncollected in the Bangalore City

ORDER PASSED— on account of arrears which became from house service connections, and requesting that necessary instructions may be issued to the Municipal Commissioner to enforce the recovery of the arrears and maintain necessary ac-

over

SUBJECT

G.P.B—10,000—10-4-06

in that behalf forwarding the Chief Engineer with a statement showing recoveries already made on that account, arrears still due and when they can be finally adjusted, and suggesting that in cases where payment is more than one quarter in arrears notice should be served that if payment is not made within 15 days the supply will be cut off.

Order from 8333-4 / ml 334-07 — 9.12.08

Copies of the Chief Engineer's letter and the enclosures are sent herewith to the President of the Bangalore City Municipal Council for placing his views in the matter.

2) As regards payments which are more than one quarter in arrears, the Chief Engineer's suggestion

Secretary

White discloses as candidates state of things

9/12/08

prompt & effective

maintaining correct accounts of Dem Collection & balances on acc of excess water drawn by house owners in the city & reporting the result after the close of the quarter ending 31st March 19

the President is requested to pass Cause it & the said rules by occupants of that

G.R.S 27]

GENERAL AND REVENUE SECRETARIAT

(Continuation Sheet draft form.)

The water supply to Kattle Bhe cut off if bills are not paid fully within 2 days of receipt of the presentation -

In the meantime the Chief Engineer will be requested to prepare the necessary estimates in the rules governing the water supply may be cut off if bills are not paid fully within 2 weeks of receipt after presentation

Secretary Board of Revenue with Enclosure a copy of Govt resolution for information of Govt

DS
L87/ed
For Secy -

To the Chief Engineer of Irrigation President City Improvement Trust Board Commissioner Bangalore -

M.G.P.H.—500—6-1-45

11/25/14 Special

ml 334-07 8/5 D944

Mysore Public Works Department,

No. 2784 Central Office,

202 Dated Bangalore 23rd April 1908.

From,

W. Mc Hutchin Esquire, M.I.C.E.,

Chief Engineer of Mysore,

B A N G A L O R E

To,

C.S.Balasundaram Iyer Esquire, B.A.,

Offg. Secretary to the Government

of His Highness the Maharaja of Mysore,

General and Revenue Departments

B A N G A L O R E.

Sir,

V Adverting to para III of Government proceedings No. 8333-4/ml. 334-07-2 of the 21st February last, directing that explicit provision be made in the Rules whereby water supply may be cut off if bills for excess water-consumption be not paid fully within a week after presentation, I have the honor to propose that the following be added as a note to Rule 10 of the Revised Rules for the regulation of house connections from the Chamarajendra Water Works promulgated in Government proceedings (P.W) no 904-4977 of the 2nd September 1898 in view to secure prompt payment.-

" In cases where bills for excess water-consumption " are not fully adjusted within 15 days' time after presenta- "-tion of the bills, the water supply to the house connection " shall be cut off ".

II. The President of the Bangalore City Municipal Council and the Executive Engineer, Water Supply and Stores Division, who were consulted in the matter are of opinion that the above addition to the Rules would answer but that

2

10

a week's time as suggested in the Government order under reference, would be too short a period and might be felt as hardship They have therefore suggested that the period may be reasonably extended to 15 days Fifteen days' time may therefore be allowed for payment after the presentation of bills and a Notification will issue to that effect if Government approve of the proposal

I have the honor to be

Sir

our most obedient servant

[redacted]

for Chief Engineer & Secretary.

G R S 28]

File No. 336-07
Serial No 7

Diary No of letter replied to 7946

Proceedings of the Government of His Highness the Maharaja of Mysore

GENERAL AND REVENUE SECRETARIAT
(ML ,)

Read —

Bdrs , the 6th July 1908

Date of issue — 7.9.08

Signed by —

SUBJECT

and stating that the President of the Bangalore City Municipal Council has the Ex. Engineer, Water Supply and Drainage Area of opinion that the said additions to the Rules would answer but that fifteen days may be allowed for payment after the presentation of bills and that of the absence of the Commissioner a Notification with regard to that effect:-

Proposed addition of a note to Rule 10.

"In cases where bills "for excess water consumption "are not fully adjusted within "fifteen days' time after "presentation of the bills, the "water supply to the house con- "nection shall be cut off."

Ex. Engr. Water Supply - 24/9/20
No 2336-07

977.08

The Chief Engineer

G.R.S 27]

GENERAL AND REVENUE SECRETARIAT

(Continuation Sheet draft form.)

Proceedings of the Government of His Highness

the Maharaja of Mysore.

Read-

Correspondence ending with letter No. 7784 dated the 23rd April 1908 from the Chief Engineer of Mysore proposing that the following be added as a note to rule 10 of the revised rules for the regulation of house connections from the Chamarajendra Water Works promulgated in Govt. Pro. (P.W.) No. 904-4977 dated the 2nd September 1898 in view to secure prompt payment of fees for consumption of excess water and stating that the President of the Bangalore City Municipal Council and the Executive Engineer, Water Supply & Stores Division, are also of opinion that the said addition to the rules would answer but that fifteen days may be allowed for payment after the presentation of the bills and that if Government approve of the proposal a notification will issue to that effect.

Proposed addition of a note to Rule 10.

" In cases where bills for excess water consumption are not fully adjusted within fifteen days' time after presentation of the bills the water supply to the house connection shall be cut off."